

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

G & G CLOSED CIRCUIT EVENTS,
LLC,

2:12-CV-1424 JCM (NJK)

Plaintiff(s),

v.

KURT L. SCHOEN, et al.,

Defendant(s).

ORDER

Presently before the court is Magistrate Judge Nancy Koppe's report and recommendation that plaintiff's amended motion to enforce settlement be granted. (Doc. # 29).

Also before the court is defense counsel Michael Mushkin's motion to withdraw. (Doc. # 30).

On September 13, 2013, plaintiff filed an amended motion to enforce a settlement agreement. (Doc. # 27). Defendants did not file a response. On October 2, 2013, the magistrate judge issued a report recommending that the court grant plaintiff's motion. (Doc. # 29). Defendants did not file any objections to the report and recommendation, and the deadline to do so has passed.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made."

1 28 U.S.C. § 636(b)(1).

2 Where a party fails to object, however, the court is not required to conduct “any review at all
3 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
4 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
5 judge’s report and recommendation where no objections have been filed. *See United States v.*
6 *Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
7 district court when reviewing a report and recommendation to which no objections were made); *see*
8 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s
9 decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any
10 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s
11 recommendation, then this court may accept the recommendation without review. *See, e.g.,*
12 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation
13 to which no objection was filed).

14 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
15 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
16 and underlying briefs, this court finds good cause appears to ADOPT the magistrate’s findings in
17 full.

18 With respect to defense counsel Michael Mushkin’s motion to withdraw, the court notes that
19 it was filed well after the deadlines to respond to plaintiff’s motion and object to the magistrate’s
20 recommendation expired. Because adopting the magistrate’s recommendation effectively closes this
21 case, defense counsel’s motion to withdraw (doc. # 30) is denied as moot.

22 Accordingly,


23 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge Koppe’s
24 report and recommendation (doc. # 29) be, and the same hereby is, ADOPTED in its entirety.

25 IT IS FURTHER ORDERED that plaintiff’s amended motion to enforce settlement (doc. #
26 27) be, and the same hereby is, GRANTED.

27 . . .

1 IT IS FURTHER ORDERED that defense counsel Michael Mushkin's motion to withdraw
2 (doc. # 30) be, and the same hereby is, DENIED as moot. The clerk shall enter judgment
3 accordingly and close the case.

4 DATED November 18, 2013.

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7 UNITED STATES DISTRICT JUDGE
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